

David Kirk
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December 30, 2021

VIA ECF & E-MAIL

Hon. Andrew L. Carter, Jr.
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Kirk v. Citigroup Global Markets Holdings Inc., 1:20-cv-07619 (S.D.N.Y.)

Demand for Discovery

Dear Judge Carter,

Doc 91 asserts “that Plaintiff continues to act on behalf of other pro se litigants in contravention of the Court’s prior orders”, allegedly supported by meta data in Docs 91-1 and 91-2 from the Ravi case showing myself as the author. I responded in Doc 92 that “I ended all contact with Mr. Ravi over seven months ago in mid-May, 2021 and at that time removed him from the online Facebook group of the nearly 700 other uwt stockholder victims.” Since that time, I have inspected the meta data with more interest, noting that it shows the creations of the files as 12/10/21 and 12/6/21, respectively. Prior to the Doc 91 allegations, the most recent Doc that I filed in this case was my Doc 90 “request to expedite” of 9/1/21, so my initial assumption that Mr. Ravi had used one of my filings by accessing the Pacer system seemed to be mistaken because of the more recent dates of 12/10/21 and 12/6/21. As I stated in Doc 91, I am not able to use the pacer system to access any files, **so I hereby request that I be provided the original Docs from the Ravi case exhibited in Docs 91-1 and 91-2 without the meta data superimposed.** Internet research has revealed that many software programs exist for changing meta data for files to display any values for the fields that one chooses, so I am not surprised at this false allegation against me made by Mr. Rubin. Which would make it the 16th misrepresentation by Mr. Rubin, the first 15 noted in Doc 85 which I also submitted in a formal complaint to the New York bar who responded as expected that they can’t render a decision on punitive actions while this litigation is pending. What is surprising is that according to Mr. Rubin, the files came from the online filings of Mr. Ravi as downloaded from the pacer site, which brings into question why Mr. Ravi would submit files showing myself as the author dated December of 2021 when we have had no contact since mid-May of 2021. The simplest answer is that Mr. Ravi likely copied a file of mine from much earlier and in doing so the meta data showing myself as the author was copied. With meta data being so easily manufactured at will without the need for verification, I suggest Mr. Rubin furnish me an apology for the claims in Doc 91 rather than continuing to make misrepresentations.

Respectfully submitted this 30th day of December, 2021

/s/ David M Kirk
David M Kirk, plaintiff

Cc: Samuel J. Rubin (via ECF and e-mail)